

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

DAVID AND SUZANNE DOUGLAS,)	
)	
Plaintiffs,)	
)	
v.)	6:10-cv-03379-RED
)	
GREEN TREE,)	
)	
Defendant.)	

**DEFENDANT GREEN TREE'S SUGGESTION IN OPPOSITION
TO PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO ANSWER**

COMES NOW Defendant, Green Tree ("Defendant"), and for its Suggestion in Opposition to Plaintiffs' Motion for Extension of Time to Answer (Defendant's Motion for Leave to File Motion to Dismiss).

Plaintiffs David and Suzanne Douglas have requested additional time to respond to Defendant's Motion for Leave to file Motion to Dismiss. Initially, Defendant's position is that its Motion to Dismiss is timely filed because it does not have record of being served except by mail, and Plaintiff has not identified any individual who was served on behalf of Green Tree. In an abundance of caution, in the event service was proper, Defendant simply seeks to file its Motion to Dismiss approximately three days after it was allegedly due (assuming service was effectuated) and Plaintiffs do not need additional time to respond to this request.

Counsel for Defendant Green Tree has spoken by telephone with pro se Plaintiff David Douglas about the case and Plaintiffs' request for extension of time. According to their Prayer for Relief, the plaintiffs seek as their primary remedy an emergency order to enjoin a foreclosure of the property. As acknowledged by Mr. Douglas in the telephone call, Defendant Green Tree has made no effort to foreclose on the property and has no plans to foreclose on the property.

(Defendant Green Tree holds a second deed of trust on the property and there is no equity in the property.)

Accordingly, Defendant respectfully requests that this Honorable Court deny Plaintiffs' Motion for Extension of Time to Answer, grant Defendant's Motion for Leave to File a Motion to Dismiss, and for such other relief as that this Court deems just and proper.

Respectfully Submitted,

/s/David G. Wasinger

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Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was submitted via the Court's CM/ECF system to all parties receiving notice thereby. A true and accurate copy was also sent by First Class US Mail on this 12th day of November, 2010 to the following:

David Douglas
2300 E. Hartley
Ozark, MO 65721
Plaintiff

Suzanne Douglas
2300 E. Hartley
Ozark, MO 65721
Plaintiff

/s/David G. Wasinger